

AMENDED AFFIDAVIT OF SERVICE

UNITED STATES DISTRICT COURT
Southern District of New York

Index Number: 12-CIV-5025

Date Filed: _____

Plaintiff:

CAPITAL ONE, NATIONAL ASSOCIATION

vs.

Defendant:

201 W. 134 ST LLC, et al.

For:

Schiff Hardin, LLP
666 Fifth Avenue, 17th Floor
New York, NY 10103

Received by Lex-Serv, LLC (DCA # 1413475) to be served on **Gerald Migdol a/k/a Jerry Migdol c/o 201 West 134th Street LLC, 223 West 138th Street, Ground Floor, New York, NY 10030.**

I, Nicholas Kelly, being duly sworn, depose and say that on the **13th day of July, 2012 at 11:40 am, I:**

served a **SUITABLE AGE PERSON** by delivering and leaving a true copy of the **Summons in a Civil Action, Verified Complaint for Foreclosure of Mortgage and Enforcement of Guaranty with Exhibits** with "**John Doe**" at **223 West 138th Street, Ground Floor, New York, NY 10030**, the said premises being the respondent's place of **Work** within the State of New York. Deponent completed service by mailing a true copy of the within named document in a postpaid envelope addressed to: **223 West 138th Street, Ground Floor, New York, NY 10030** and bearing the words "Personal & Confidential" by First Class Mail on **7/13/2012** and placed in an official depository of the U.S.P.S. in the State of New York.

Additional Information pertaining to this Service:

"John Doe" refused to accept the Summons and Complaint. I noticed a desk near "John Doe" in the office of 233 West 138th Street Ground Floor. I informed "John Doe" that I would be leaving said documents on that desk if he refused to accept the documents. I did leave the documents on that desk in the office located at 223 West 138th Street Ground Floor, New York, NY 10030.

Description of Person Served: Age: 40, Sex: M, Race/Skin Color: Black, Height: 5'10", Weight: 170, Hair: Dark Brown, Glasses: N

I certify that I am not a party herein, I am a resident of the State of New York and I am over the age of 18.

Subscribed and Sworn to before me on the 24th day
of AUGUST, 2012 by the affiant who is
personally known to me.


NOTARY PUBLIC

DANIEL A. LEVINE

NOTARY PUBLIC-STATE OF NEW YORK

No. 01LE6154152

Qualified in Queens County

My Commission Expires October 23, 2014



Nicholas Kelly
1284490

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New York, NY 10017
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Our Job Serial Number: LXS-2012001267